

### **REMARKS**

By this amendment, claims 21-27 were canceled, and no new matter was added by this amendment. Claims 1-20 and 28-30 are now pending.

#### **Election/Restriction Response**

In response to the Restriction Requirement mailed on October 3, 2005, Applicants elects, without traverse, Group I which includes claims 1-20 and 28-30. Applicants respectfully cancels claims 21-27 (Group II) without prejudice or disclaimer, and reserves the right to reintroduce the non-elected claims in a Divisional application at a later date.

The Restriction Requirement dated October 3, 2005 also required an election to one of the following species of the claimed invention:

Specie I      Figure 5

Specie II      Figure 6

Specie III      Figure 7

Applicant elects Specie I related to Figure 5. Figure 5 shows a device having a single metallization plane. Figure 6 (Specie II) shows a device in which a single metallization plane is shifted in a defective device where there is a misregistration of the metallization plane. Figure 7 (Specie III) shows a device that has more than one metallization plane.

Therefore, the claims that read on the Specie I related to Figure 5 are those that include a single metallization plane. Claims 1-16 and 28-30 of the elected group read on Specie I related to Figure 5. Claims 17-20 recite multiple metallization planes and therefore read on Specie III. None of the claims in the elected group appear to read on Specie II, which illustrates a defective device.

Claims 1, 10 and 28 all appear to be generic with respect to the remaining claims 17-20 of Specie III since a claim reciting a single metallization plane reads on a device having multiple metallization planes. Therefore, upon allowance of any of the generic claims (1, 10 or 28) applicant reserves the right to have the remaining claims 17-20 of Specie III considered by the Examiner.

The Examiner is invited to contact the Applicants' Representative at the below-listed telephone number if there are any questions regarding this Response or if prosecution of this application may be assisted thereby.

Conclusion

Applicants respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (612) 373-6977 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

DAVID W BOGGS ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. Box 2938

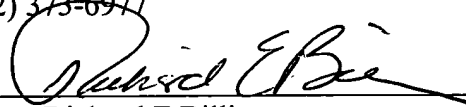
Minneapolis, MN 55402

(612) 373-6977

Date

11/3/05

By



Richard E Billion

Reg. No. 32,836

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 3 day of November, 2005.

JACLYN

SKIBA

Name

Signature

